IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 12878 of 2005

Between:

D. Chandramouli, S/o Veerappa, Major,
R/o Khammam , Nacharam,

Doma Mandal, Chevella,

Ranga Reddy District.

..... PETITIONER

AND

1 The Principal Secretary, Revenue A.P, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District.
3 The Revenue Divisional Officer,. Chevella, Ranga Reddy District.
4 The Mandal Revenue Officer, Doma Mandalam,

Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more specially one in the nature of writ of mandamus declaring the action of the 4th respondent in issuing show cause notice dt. 21-4-2005, trying to illegally evict the petitioner from his respective land situated at Khammam Nacharam, Dornmapalli villages, Doma Mandal, Ranga Reddy District is against the principles of natural justice and violative of Article 14, 19 and 21 of Constitution of India and illegal, arbitrary and violative of the statutory law in the interest of justice.

Counsel for the Petitioner: MR.N.RAMACHANDRA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Declaring the action of the 4th respondent in issuing the show cause notice dated 21-04-2005 to evict the petitioner illegally from the respective lands situate at Khammam Nacharam and Dornapalli villages of Doma Mandal, Ranga Reddy District as illegal and arbitrary, this writ petition has been filed by the petitioner.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

It is contended by the learned counsel for the petitioner that the petitioner is having agricultural lands in Khammam Nacharam and Dornapalli villages of Doma Mandal, Ranga Reddy District. To that effect, the Government has issued Patta Certificate and Pass Book and the petitioner has been carrying out the agricultural activities in the said lands since long time. He further submits that the 4th respondent along with his officials came to the petitioner and threatened him to evict from the alleged encroached land, as the said land is shikam land. Thereafter, the 4th respondent issued a show cause notice dated 21-04-2005, directing the petitioner to submit his explanation within seven days. In response to the said notice, the petitioner submitted his explanation stating that the land in question i.e., Sy.No.36 does not form part of his lands and also stated that, if necessary, survey may be conducted for evaluating the same.

As a matter of fact, when the matter is pending consideration before the 4th respondent, the petitioner, on mere apprehension of dispossession from his lands, has approached this court by filing this writ petition.

Considering the facts and circumstances of the case, I deem it appropriate to direct the 4th respondent to consider the explanation dated 27-04-2005 submitted by the petitioner, in response to the show cause notice dated 21-04-2005 issued by the 4th respondent, after giving opportunity to the petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the 4th respondent is directed not to evict the petitioner from the alleged encroached land.

With the above direction, the writ petition is disposed of. No order as to costs.

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17-06-2005

Prv

Note:

C.C. by Monday

(B/o)

Prv

To

1 The Principal Secretary, Revenue A.P, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District.
3 The Revenue Divisional Officer,. Chevella, Ranga Reddy District.
4 The Mandal Revenue Officer, Doma Mandalam,

Ranga Reddy District.

5 Two CCs to G.P. for Revenue, High Court of Andhra Pradesh,

Hyderabad (OUT).

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